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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,560

09/22/2003

Daniel M. Marks

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10/31/2006

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EXAMINER

LANEAU, RONALD

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

NIT

Office Action Summary	Application No. 10/666,560	Applicant(s) MARKS ET AL.	
	Examiner Ronald Laneau	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10132004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al (US 7,094,148 B2).

As per claims 1, 10-12, 15 and 17-20, Baerlocher discloses a method of playing a game using a symbol matrix formed by a plurality of rows intersecting with a plurality of columns, with the plurality of rows and columns defining a plurality of symbol positions (see abstract), comprising: a) optionally placing a wager to play the game (col. 5, lines 19-27); b) randomly generating symbols for each symbol position in the symbol matrix (col. 5, lines 42-47); c) displaying the symbols generated for each symbol position in the symbol matrix (col. 5, lines 47-49); d) issuing awards for winning symbol combinations displayed in the symbol matrix (col. 4, lines 37-47); e) setting the status of each symbol position as either “locked” or “unlocked” (see fig. 9G, 240a-c); f) if any symbol positions are unlocked, repeating the following steps until are locked: 1) randomly generating symbols for each unlocked symbol position (col. 22, lines 41-61); 2) displaying the symbols generated each symbol positions unlocked symbol position(col. 22, lines 41-61); and 3) issuing awards for winning symbol combinations displayed in symbol matrix (see claim 31).

As per claim 2, Baerlocher discloses a method wherein the awards issue based upon at least one of the following winning symbol combinations: a) pre-determined combinations of symbols appearing contiguously in a pre-determined group of symbol positions in the symbol matrix. (col. 4, lines 37-47).

As per claim 3, Baerlocher discloses a method wherein the awards issue based upon least one of the following winning symbol combinations: a) pre-determined combinations of symbols appearing contiguously on a pay line (see fig. 9B).

As per claims 4 and 6, Baerlocher inherently discloses a method wherein the type and the amount of awards may change during the game.

As per claim 5, Baerlocher discloses a method wherein the type of awards may change during the game, with the initial spin and/or subsequent re-spins issuing at least one award types: b) free games that may be played at no cost to the player (see abs.).

As per claim 7, Baerlocher discloses a method wherein the amount of awards may change during the game, with the initial spin and/or subsequent re-spins changing award values using any of the following methods: d) increasing or decreasing some or all awards listed in the pay schedule in response to player input (col. 2, lines 56-61).

As per claims 8, 9, 13, 14 Baerlocher discloses a wherein the symbol positions are "locked" by the appearance of one or more pre-determined symbols in the symbol matrix; a method in which symbol position are "locked" by at least one of the following methods: a) the appearance of one or more pre-determined symbols "locks" those symbol positions in which the pre-determined symbols appeared (see fig. 9D).

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As per claim 16, Claim 16. A method of claim 1, wherein the steps 1(f) through 1(f)(3) are repeated a predetermined number of times, and optionally conclude prior to all symbol positions being "locked," according to at least one of the following methods: a) A fixed number of re-spins of at least one symbol position, including at least one of: c) at least one of fixed and variable number of re-spins, and at least one symbol position are determined by at least a winning symbol combination (see fig. 5A-F).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

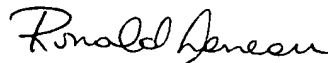
- Visocnik (US 2004/0048646 A1) disclose an electronic gaming device and method with mobbing bonus symbol and free games.
- Cregan et al (US 2006/0068885 A1) disclose a gaming device and method having free activation mode with free activation retrigger.
- Bleich et al (US 2004/0266517 A1) disclose a gaming machine having a player time-selectable bonus award scheme and an intelligent button.
- Cuddy et al (US 2004/0137982 A1) disclose a gaming device having a probability-enhancing trigger symbol.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau
Primary Examiner 10/28/06
Art Unit 3714

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